

# **NARRATIVE & COMPLIANCE REPORT**

## **TEXT AMENDMENT TO MDRL, MDRH & HDR SETBACKS**

### **(SECTION 16.12.030 C)**

#### **TABLE OF CONTENTS**

<b>I. PROPOSAL SUMMARY</b>	<b>2</b>
GENERAL INFORMATION	2
REQUEST & PROJECT DESCRIPTION	2
<b>II. COMPLIANCE WITH CITY OF SHERWOOD COMPREHENSIVE PLAN</b>	<b>3</b>
<b>III. COMPLIANCE WITH CITY OF SHERWOOD MUNICIPAL CODE</b>	<b>5</b>
CHAPTER 16.12. RESIDENTIAL LAND USE DISTRICTS	5
CHAPTER 16.72. PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS	7
CHAPTER 16.80. PLAN AMENDMENTS	7
<b>IV. PROPOSAL SUMMARY &amp; CONCLUSION</b>	<b>10</b>

#### **LIST OF EXHIBITS**

- A COPIES OF APPLICATION FORM AND CHECK FOR FEE**
- B COPY OF LETTER TO PLANNING COMMISSION**

## I. PROPOSAL SUMMARY

### GENERAL INFORMATION

Applicant/Property Owner:

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Proposal:

Text Amendment to Municipal Code -

Section 16.12.030(C) Development

Standards per Residential Zone to Modify

Front Yard Setbacks of MDRL, MDRH & HDR

Zones

### REQUEST & PROJECT DESCRIPTION

The Applicant proposes text amendment to the City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone to modify front yard setbacks of MDRL, MDRH & HDR Zones. The proposed amendment consists of replacing the front yard setback requirements of 20 feet for Medium Density Residential (MDRL), Medium Density Residential High (MDRH), and High Density Residential (HDR) Districts with the proposed setbacks shown in the table below.

**Proposed Text Amendment**

Development Standard by Residential Zone	MDRL	MDRH	HDR
<b>Setbacks (in feet)</b>			
Front yard	20	20	20
<u>Front Porch</u>	<u>10</u>	<u>10</u>	<u>10</u>
<u>Garage Entrance</u>	<u>20</u>	<u>20</u>	<u>20</u>
<u>Front Building</u>	<u>14</u>	<u>14</u>	<u>14</u>

The proposed amendment is intended to create setbacks that allow buildings and porches to project in front of garages. This will allow for greater diversity in front elevations and more appealing street frontages by lessening the predominance of garages. In some cases, the reduced front porch and front building setbacks will allow residential units to have a larger rear yard area through the adjustment of building footprint towards the lot front.

The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is now doing so with this application.

Section II of this report addresses compliance with the City of Sherwood Comprehensive Plan. Section III of this report addresses compliance with the applicable sections of the Zoning and Community Development Code and with the Transportation Planning Rule.

## **II. COMPLIANCE WITH CITY OF SHERWOOD COMPREHENSIVE PLAN**

### **CHAPTER 4 - LAND USE**

#### **E. RESIDENTIAL LAND USE**

##### **Policy 6 (C): RESIDENTIAL ZONES OBJECTIVES**

The following subsection defines the five residential land use classifications to be used in the land use element giving the purpose and standards of each. All density ranges are for minimum lot sizes and shall not restrict larger lots within that residential designation. For each residential designation on the Plan/Zone Map, maximum density has been indicated. The maximum density represents the upper limit which may be allowed - it is not a commitment that all land in that area can or should develop to that density. The implementing ordinances contained in the City Zoning Code define the circumstances under which the maximum density is permissible. Density transfers are applied in instances where appropriate to achieve the purposes of the Plan such as the encouragement of quality planned unit developments, flood plain protection, greenway and park acquisition, and the use of efficient energy systems. Unless these circumstances pertain, the maximum density allowable will be specific in the zoning standards for each designation.

##### **3) Medium Density Residential Low (MDRL)**

###### **Minimum Site Standards:**

**8 DU/Acre, 5,000 sq. ft. lot minimum**

**This designation is intended to provide for dwellings on smaller lots, duplexes, manufactured homes on individual lots, and manufactured home parks. The designation is applicable in the following general areas:**

- Where there is easy access to shopping.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where major streets are adequate or can be provided in conjunction with development.

**4) Medium Density Residential High (MDRH)**

**Minimum Site Standards:**

**11 DU/Acre, 3,200-5,000 sf lot minimum**

This designation is intended to provide for a variety of medium density housing styles, designs, and amenities in keeping with sound site planning. Included in this designation are, low density apartments and condominiums, manufactured homes on individual lots, and row housing. This designation is applicable in the following general areas:

- Where related institutional, public and commercial uses may be appropriately mixed or are in close proximity to compatible medium density residential uses.
- Where a full range of urban facilities and services are provided in conjunction with development.
- Where medium urban densities can be maintained and supported without significant adverse impacts on neighborhood character or environmental quality.

**5) High Density Residential (HDR)**

**Minimum Site Standards:**

**16 DU/Acre, 2,000-5,000 sf lot minimum**

This designation is intended to provide for high density multi-family urban housing with a diversity in style, design and amenities in keeping with sound site planning principles in the following general areas:

- Where related public, institutional and commercial uses may be mixed with or are in close proximity to compatible high density residential uses.
- Where a full range of urban facilities and services are available at adequate levels to support high density residential development.
- Where direct access to major fully improved streets is available.

- Where high density development will not exceed land, air or water carrying capacities.

**Response:** No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The proposed amendment will not result in a change in the residential density of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the front lot line. Therefore, the proposed setbacks are consistent with minimum site standards for each of the subject residential zones.

The proposed setbacks are consistent with the intent of the MDRL, MDRH, and HDR zones as no changes are proposed to the Zoning Map and no changes are proposed to Section 16.12.020 Allowed Residential Land Uses. In addition, the proposed text amendment encourages a greater variety of medium and high density housing designs while keeping with sound site planning. Allowing the building and porch to extend past the garage lessens the predominance of garages along street frontage, creating a more appealing and pedestrian oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback.

## **O. COMMUNITY DESIGN**

### **3. GENERAL OBJECTIVES**

**Policy 4:** Promote creativity, innovation and flexibility in structural and site design.

- **Strategy:** Encourage visual variety in structural design.

**Response:** The proposed modifications to front setbacks will allow for greater diversity in front elevations and allow for more appealing street frontages by lessening the predominance of garages along street frontages. By allowing a greater diversity in elevations, the proposed text amendment encourages greater visual variety in structural design.

## **III. COMPLIANCE WITH CITY OF SHERWOOD MUNICIPAL CODE**

### **CHAPTER 16.12. RESIDENTIAL LAND USE DISTRICTS**

#### **16.12.010 Purpose and Density Requirements**

##### **C. Medium Density Residential (MDRL)**

The MDRL zoning district provides for single-family and two-family housing, manufactured housing and other related uses with a density of 5.6 to 8 dwelling units per acre.

##### **D. Medium Density Residential High (MDRH)**

The MDRH zoning district provides for a variety of medium density housing, including single-family, two-family housing, manufactured housing, multi-

family housing, and other related uses with a density of 5.5 to 11 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

#### E. High Density Residential (HDR)

The HDR zoning district provides for higher density multi-family housing and other related uses with density of 16.8 to 24 dwelling units per acre. Minor land partitions shall be exempt from the minimum density requirement.

**Response:** As described above, residential density standards are not affected by the proposed text amendment. No amendment is proposed to the minimum lot area development standards or residential density standards of the MDRL, MDRH, and HDR zones. The garage entrance setback will remain 20 feet. Adequate driveway parking continues to be provided by maintaining a 20 foot garage setback. The reduced front building and front porch setbacks may allow future site development to provide larger rear yards by locating the building footprint closer towards the lot front line. The primary result to the community is the affect on street frontage. Allowing the building and porch to extend past the garage lessens the presence of the garage, making for a more appealing and pedestrian-oriented street frontage. In addition, the front building entrance will be located closer to the street frontage, encouraging pedestrian activity. Therefore, the proposed setbacks are consistent with the purpose and density requirements of each of the residential districts.

### 16.12.030 Residential Land Use Development Standards

#### C. Development Standards per Residential Zone

##### Existing Text

Development Standard by Residential Zone	MDRL	MDRH	HDR
<b>Setbacks (in feet)</b>			
Front yard	20	20	20

**Response:** This application is a request for a text amendment to Section 16.12.030(C) to amend front setback standards for MDRL, MDRH, and HDR Districts. The existing front yard setback is 20 feet for each of the MDRL, MDRH, and HDR Districts. Setbacks illustrated in the table below are proposed to modify the front yard setbacks in each of these three (3) districts to allow for greater diversity of front elevations.

##### Proposed Text

Proposed Development Standards	MDRL	MDRH	HDR
<b>Setbacks (in feet)</b>			
Front Porch	<b>10</b>	<b>10</b>	<b>10</b>
Garage entrance	<b>20</b>	<b>20</b>	<b>20</b>
Front building	<b>14</b>	<b>14</b>	<b>14</b>

## **CHAPTER 16.72. PROCEDURES FOR PROCESSING DEVELOPMENT PERMITS**

### **16.72.010 Generally**

#### **A. Classifications**

Except for Final Development Plans for Planned Unit Developments, which are reviewed per Section 16.40.030, all quasi-judicial development permit applications and legislative land use actions shall be classified as one of the following:

##### **5. Type V**

The following legislative actions shall be subject to a Type V review process:

##### **b. Plan Text Amendments**

#### **B. Hearing and Appeal Authority**

1. Each Type V legislative land use action shall be reviewed at a public hearing by the Planning Commission with a recommendation made to the City Council. The City Council shall conduct a public hearing and make the City's final decision.

3. The quasi-judicial Hearing and Appeal Authorities shall be as follows:

- e. The Type V Hearing Authority is the City Council, upon recommendation from the Planning Commission and the Appeal Authority is the Land Use Board of Appeals (LUBA).

**Response:** Compliant with Section 16.72.010(A)(5)(b), the proposed application is submitted as a Type V legislative application, subject to a public hearing before the Planning Commission and before the City Council.

## **CHAPTER 16.80. PLAN AMENDMENTS**

### **16.80.010 Initiation of Amendments**

An amendment to the City Zoning Map or text of the Comprehensive Plan may be initiated by the Council, Commission, or an owner of property within the City.

**Response:** The Applicant is also an owner of property within the City. Compliant with this Section, the Applicant has initiated the proposed text amendment.

### **16.80.020 Amendment Procedures**

#### **Zoning Map or Text Amendment**

- C. Application - An application for a Zoning Map or text amendment shall be on forms provided by the City and shall be accompanied by a fee pursuant to Section 16.74.010

- D. Public Notice - Public notice shall be given pursuant to Chapter 16.72

- E. **Commission Review** - The Commission shall conduct a public hearing on the proposed amendment and provide a report and recommendation to the Council. The decision of the Commission shall include findings as required in Section 16.80.030
- F. **Council Review** - Upon receipt of a report and recommendation from the Commission, the Council shall conduct a public hearing. The Council's decision shall include findings as required in Section 16.80.030. Approval of the request shall be in the form of an ordinance.

**Response:** A copy of the application form and check for fee is provided as Exhibit A. The City will provide for Public Notice for a Type V Text Amendment in accordance with Chapter 16.72. This application is subject to a public hearing before the Planning Commission and a public hearing before the City Council. The Applicant understands that the Planning Commission will make a recommendation to City Council and that City Council will make the final decision.

#### **16.80.030 Review Criteria**

##### **A. Text Amendment**

An amendment to the text of the Comprehensive Plan shall be based upon a need for such an amendment as identified by the Council or the Commission. Such an amendment shall be consistent with the intent of the adopted Sherwood Comprehensive Plan, and with all other provisions of the Plan, the Transportation System Plan and this Code, and with any applicable State or City statutes and regulations, including this Section.

**Response:** The Applicant, a property owner in Sherwood, submitted a letter to the Planning Commission on September 20, 2013 (see Exhibit B) and attended the Planning Commission Meeting held October 8, 2013 to receive initial feedback from the Planning Commission. The Applicant discussed the need for this proposed text amendment with the Planning Commission. The Planning Commission explained that the City accepts and reviews such applications to allow developers to provide a high quality product and encouraged the Applicant to submit a formal text amendment request. The Applicant is doing so with this application.

Section II of this report demonstrates compliance with the Comprehensive Plan. Section III of this report demonstrates compliance with the Zoning and Community Development Code. Per Section 16.80.010, the Applicant has initiated the text amendment.

##### **B. Map Amendment**

An amendment to the City Zoning Map may be granted, provided that the proposal satisfies all applicable requirements of the adopted Sherwood Comprehensive Plan, the Transportation System Plan and this Code, and that:

1. The proposed amendment is consistent with the goals and policies of the Comprehensive Plan and the Transportation System Plan.
2. There is an existing and demonstrable need for the particular uses and zoning proposed, taking into account the importance of such uses to the economy of

the City, the existing market demand for any goods or services which such uses will provide, the presence or absence and location of other such uses or similar uses in the area, and the general public good.

3. The proposed amendment is timely, considering the pattern of development in the area, surrounding land uses, any changes which may have occurred in the neighborhood or community to warrant the proposed amendment, and the availability of utilities and services to serve all potential uses in the proposed zoning district.
4. Other lands in the City already zoned for the proposed uses are either unavailable or unsuitable for immediate development due to location, size or other factors.

**Response:** No amendment to the Zoning Map is proposed. Therefore, the standards of this Section are not applicable.

### C. Transportation Planning Rule Consistency

1. Review of plan and text amendment applications for effect on transportation facilities. Proposals shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with OAR 660-12-0060 (the TPR). Review is required when a development application includes a proposed amendment to the Comprehensive Plan or changes to land use regulations.
2. "Significant" means that the transportation facility would change the functional classification of an existing or planned transportation facility, change the standards implementing a functional classification, allow types of land use, allow types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility, or would reduce the level of service of the facility below the minimum level identified on the Transportation System Plan.
3. Per OAR 660-12-0060, Amendments to the Comprehensive Plan or changes to land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a. Limiting allowed uses to be consistent with the planned function of the transportation facility.
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses.
  - c. Altering land use designations, densities or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

**Response:** The Text Amendment is only proposed to amend front setbacks of the MDRL, MDRH, and HDR Districts to allow buildings and porches to extend in front of garages. The proposed amendment will have no affect on residential density within the MDRL, MDRH, and HDR Districts. The 20 foot setback is maintained for garage entrances, continuing to provide

for adequate driveway parking. No changes are proposed to the Zoning Map. The proposed amendment to modify front setbacks will not result in a development standard that independently results in the creation of more or less residential lots than allowed by current standards. Given that the proposed amendment does not directly impact density standards, the proposed amendment will not result in an increase of trips. The current types and levels of land use within the subject zones are maintained with the proposed text amendment. The proposed amendment will not change the functional classification of an existing or planned transportation facility. In addition, the proposed amendment does not change any standard implementing a functional classification. Therefore, the proposed amendment will not significantly affect existing or planned transportation facilities.

#### **IV. PROPOSAL SUMMARY & CONCLUSION**

This Narrative & Compliance Report describes the proposed text amendment and demonstrates compliance with the applicable standards of the City of Sherwood Comprehensive Plan and Zoning and Community Development Code. Therefore, the Applicant respectfully requests approval of the proposed text amendment to City of Sherwood Zoning and Community Development Code, Section 16.12.030(C) Development Standards per Residential Zone.